REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended for better conforms to U.S. practice. In addition, claim 1 has been amended to correct an informality. Claim 1 was not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents.

In the Office Action, claims 1-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,831,892 (Robinett) in view of U.S. Patent No. 6,377,309 (Ito). In response, the following remarks are presented and new claims 11-14 have been added. It is respectfully submitted that claims 1-14 are patentable over Robinett and Ito for at least the following reasons.

Robinett is directed to bandwidth optimizing of video

transport streams where null transport packets are selectively replaced with non-null data transport packets. As correctly noted by the Examiner, Robinett does not teach or suggest inserting second type data in the available bandwidth of an intermediate transport stream. Ito is cited in an attempt to remedy this deficiency in Robinett.

It is respectfully submitted that Robinett also does not teach or suggest "means for generating an intermediate transport stream by creating available bandwidth in said input transport stream," as recited in independent claim 1, and similarly recited in independent claims 6 and 11.

In particular, Robinett teaches receiving an input transport stream that already has null packets. Robinett does not teach or suggest generating an intermediate transport stream by creating available bandwidth, such as by inserting null packets into then input stream. Robinett is even silent about an intermediate transport stream. Even assuming, arguendo, that Robinett does disclose an intermediate transport, any such intermediate transport is generated by taking an input transport stream that already has null packets and replacing the null packets with data packets.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 6 and 11, which amongst other patentable features, requires:

> means for <u>generating an intermediate</u> transport stream **by creating available bandwidth** in said input transport stream. (Emphasis added)

This feature of generating an intermediate transport stream by creating available bandwidth, such as by inserting null packets (as recited in claims 3, 8 and 13), is nowhere taught or suggested in Robinett.

Rather, Robinett teaches to replace null packets with data packets. Such a <u>replacement</u> does not create or change the bandwidth which is in contrast with creating a bandwidth, as recited in independent claims 1, 6 and 11, such as by inserting null packets, as recited in claims 3, 8 and 13. In fact, <u>replacing</u> <u>null</u> packets with non-null or data packets is diametrically opposite to <u>inserting null</u> packets. Thus, Robinett teaches away from the present invention as recited in independent claims 1, 6 and 11.

Ito teaches multiplexing an MPEG-4 data stream as part of an optional field in an MPEC-2 data to form an MPEG2/MPEG4 multiplexed

data stream. Robinett, Ito, and combination thereof, do not teach or suggest "means for generating an intermediate transport stream by creating available bandwidth in said input transport stream," as recited in independent claim 1, and similarly recited in independent claims 6 and 11.
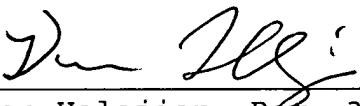
Accordingly, it is respectfully submitted that independent claims 1, 6 and 11 are allowable, and allowance thereof is respectfully requested. In addition, as claims 2-5, 7-10 and 12-14 depend from independent claims 1, 6 and 11, Applicants respectfully request that claims 2-5, 7-10 and 12-14 also be allowed.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By_____
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January 4, 2006
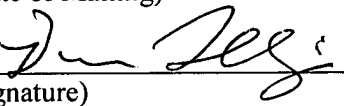
Enclosure: New Abstract

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